

Programs Affected: National School Lunch Program, School Breakfast Program, Special Milk Program, Child and Adult Care Food Program, and Summer Food Service Program

Title of Rule: Child Nutrition Programs: Nondiscretionary Amendments Related to the Healthy, Hunger-Free Kids Act of 2010

Stage of Rulemaking: Final rule is currently in clearance.

Is the Rule Currently Open for Public Comment? No, all of the amendments adopted as final in this rule are nondiscretionary as specifically provided in the law.

Rule Summary: This final rule will implement several nondiscretionary amendments of the Healthy, Hunger-Free Kids Act of 2010. These provisions make it easier for children to get nutritious meals when they are away from home, while requiring State and local agencies to make relatively minor changes in the procedures they use to operate school nutrition programs.

This rule would confer categorical eligibility for free meals and free milk to foster children whose care and placement is the responsibility of a State foster care agency or a court. It eliminates an existing limitation on the number of sites that private nonprofit sponsors may be approved to operate in the Summer Food Service Program. It would require each State agency administering the National School Lunch Program to ensure that school food authorities cooperate with Summer Food Service Program sponsors to distribute materials to inform families of the availability of free and reduced-price breakfast during the school year and of free meals when the school year ends.

This rule would also expand the allowable sources of income information to include data from any school to determine area eligibility for day care homes in the Child and Adult Care Food Program. It would specify that applications for free or reduced-price meals and free milk include only the last four digits of the social security number of the adult who signs the application, in lieu of the complete social security number. It would also specify that the school food safety program established for meals served through the school meal programs applies to any facility, or part of a facility, in which foods are stored, prepared, or served. It requires State agencies, institutions, and sponsors to enter into permanent agreements.

FNS has already notified States of these statutory requirements through implementation memos. The purpose of this rule is to codify them into regulation.